

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

GERALD D. LIBERSAT, ET AL.	* CIVIL ACTION
VERSUS	* NO.
SUNDANCE ENERGY INC., ET AL.	* JUDGE
	* MAGISTRATE JUDGE
* * * * *	

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come Defendants, Sundance Energy, Inc. ("Sundance") and SEA Eagle Ford, LLC ("SEA Eagle Ford"), and with full reservation of rights, respectfully submit this Notice of Removal to the U.S. District Court for the Western District of Louisiana and aver that the captioned matter is being removed to this Court on the grounds and for the reasons set forth below:

INTRODUCTION AND BACKGROUND

1.

Plaintiffs, Gerald D. Libersat, individually and as Executor of the Succession of May Guidry Libersat, and Julie Romero Libersat ("Plaintiffs"), originally filed suit on March 1, 2019, in the Fifteenth Judicial District Court for the Parish of Vermilion, State of Louisiana, entitled, *Gerald D. Libersat, et al. v. Sundance Energy, Inc., et al.* and bearing Docket Number 106342-J. A copy of the process and pleadings served on Sundance is attached hereto *in globo* as Exhibit "A," in accordance with Title 28, Section 1446(a) of the United States Code.

DIVERSITY JURISDICTION

2.

Plaintiffs are citizens of the State of Louisiana.

3.

Sundance is incorporated under the laws of the State of Colorado with its principal place of business in Denver, Colorado.

4.

SEA Eagle Ford is a limited liability company with its sole member being Sundance.

5.

Complete diversity exists between Plaintiffs and Sundance. Sundance is the only Defendant that has been served. Therefore, this matter is removable pursuant to Title 28, Section 1441 of the United States Code.

6.

Although not considered for removal purposes because they have not been served, the other Defendants are also diverse from Plaintiffs. SEA Eagle Ford is a limited liability company whose sole member is Sundance; therefore, it is a citizen of the State of Colorado. T.M. Shepard is a citizen of the State of Florida. Thomas B. Moore, Robert L. Graham, John H. Sowell, III, and Clayton W. Williams, Jr. are citizens of the State of Texas. Noble Energy, Inc. is a corporation incorporated under the laws of the State of Delaware with its principal place of business in Houston, Texas. Clayton Williams Energy, Inc. was a corporation incorporated under the laws of the State of Delaware with its principal place of business in Midland, Texas; it

was acquired by Noble Energy, Inc. in 2017. Therefore, complete diversity exists between Plaintiffs and all Defendants.

AMOUNT IN CONTROVERSY

7.

The captioned matter arises from a mineral lease (the “Lease”), dated April 2, 1984, executed by Plaintiffs in favor of Clayton W. Williams, Jr. The property subject to the Lease is 269.97 acres in McMullen County, Texas. Plaintiffs allege underpayment of royalties and seek “the full amount of royalties due from initial production,” double damages, attorney’s fees, and cancellation of the Lease. See Ex. A, Petition, at ¶ 30. The total of the payments demanded by Plaintiffs and the value of the Lease are in excess of \$75,000, exclusive of interest and costs.

8.

Accordingly, this Court has original jurisdiction over this action because the diversity of citizenship and amount in controversy requirements have been met pursuant to the diversity jurisdiction statute, Title 28, Section 1332 of the United States Code.

PROCEDURAL REQUIREMENTS FOR REMOVAL

9.

Sundance was served through long-arm service on its agent for process on March 7, 2019. Pursuant to Title 28, Sections 1441 and 1446 of the United States Code, this Notice of Removal has been filed timely, it being filed no more than thirty (30) days after service and within one year of the initial filing of the suit.

10.

The U.S. District Court for the Western District of Louisiana includes Vermilion Parish, the parish in which the state court action is now pending. Therefore, pursuant to Title 28, Section 1441(a) of the United States Code, venue in this Court is proper.

11.

Consent to removal from the other Defendants is not necessary as none of them have been served. 28 U.S.C. § 1446(b)(2)(A).

12.

In accordance with Title 28, Section 1446(a) of the United States Code, filed herewith as Exhibit “A” are copies of all process and pleadings served upon Sundance in the state court proceedings.

13.

Promptly after notice of this removal is filed, written notice hereof will be given to Plaintiffs, and a copy of this Notice of Removal will be filed with the Clerk of Court for the Fifteenth Judicial District Court for the Parish of Vermilion, State of Louisiana, to effect the removal of the civil action to this Honorable Court as provided by law. (*See* Exhibit “B”).

14.

Sundance and SEA Eagle Ford specifically reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendants, Sundance Energy, Inc. and SEA Eagle Ford, LLC, respectfully pray this matter be removed to the U.S. District Court for the Western District of Louisiana for further proceedings and disposition.

Respectfully submitted:

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

By: /s/Sarah K. Casey
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**ATTORNEYS FOR DEFENDANTS,
SUNDANCE ENERGY, INC. AND SEA EAGLE
FORD, LLC**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the 3rd day of April 2019, this Notice of Removal was electronically filed with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel of record who have consented to electronic notification. I further certify that the foregoing document and notice of electronic filing were forwarded to the following:

R. Chadwick Edwards, Jr.
114 East Lafayette Street
P.O. Box 217
Abbeville, Louisiana 70511

/s/ Sarah K. Casey